

## Message Text

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PAGE 01 TUNIS 06384 121248Z  
ACTION NEA-10

INFO OCT-01 EUR-12 ISO-00 HA-05 IO-13 CIAE-00 INR-10  
NSAE-00 COME-00 EB-08 LAB-04 SIL-01 INRE-00  
NEAE-00 SSO-00 SES-02 SAA-01 /067 W  
-----087996 121252Z /43

O R 121025Z SEP 78  
FM AMEMBASSY TUNIS  
TO SECSTATE WASHDC IMMEDIATE 0000  
INFO AMEMBASSY ALGIERS  
AMEMBASSY BRUSSELS  
AMEMBASSY PARIS  
AMEMBASSY RABAT  
AMEMBASSY TRIPOLI

C O N F I D E N T I A L TUNIS 6384

BRUSSELS FOR USEEC/LABATT

PARIS FOR LABATT AND OECD

E.O.11652: GDS  
TAGS: ELAB PINT TS  
SUBJ: SEPTEMBER 14 SET FOR ACHOUR TRAIL  
  
REF: TUNIS 6245

1. EMBASSY LEARNED FROM MEMBER OF DEFENSE EVENING  
SEPTEMBER 11 THAT THURSDAY, SEPTEMBER 14, HAS BEEN SET AS  
OPENING DATE FOR STATE SECURITY COURT TRIAL OF HABIB ACHOUR  
AND OTHER FORMER UGTT LEADERS , RUMOR TO THIS EFFECT BEGAN  
CIRCULATING OVER WEEKEND BUT THIS IS FIRST SOLID INFORMATION WE  
HAVE HAD  
CONFIRMING DATE. ACCORDING TO ATTORNEY ONLY 39 DEFENDANTS  
INCLUDWNG ACHOUR AND TEN OTHER FORMER EXECUTIVE BUREAU  
MEMBERS ARE TO BE TRIED IN THIS STATE SECURITY COURT  
SESSION. TRIAL WILL NOT INCLUDE ANY OF 101 SOUSSE  
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PAGE 02 TUNIS 06384 121248Z

DEFENDANTS, WHO SUPPOSEDLY ARE TO BE BROUGHT BEFORE  
SECURITY COURT AT LATER DATE.

2. DEFENSE LEARNED OF TRIAL DATE FRIDAY BUT WAS  
NOT ALLOWED TO SEE DOSSIERS AND CHARGES UNTIL MONDAY  
MORNING. DOSSIER CONTAINS OVER 5,000 PAGES OF WHICH  
DEFENSE IS PERMITTED TO MAKE PHOTO COPIES AS NEEDED. AS

73 TUNISIAN ATTORNEYS ARE PARTICIPATING IN DEFENSE/ OF 39  
ACCUSED,  
EACH ATTORNEY HAS SEVERAL CLIENTS WHO IN TURN HAVE SEVERAL ATTORNEYS)  
OBTAINING AND DIGESTING EVEN KEY DOCUMENTS BETWEEN NOW AND  
FOURTEENTH IS IMPOSSIBLE.

3. ACCORDING TO ATTORNEY, AGREED UPON STRATEGY IS TO ASK  
FOR ONE MONTH'S POSTPONEMENT AT OPENING SESSION ON  
FOURTEENTH; ALTHOUGH THREE WEEKS WILL BE ACCEPTABLE. IF THIS  
MINIMUM POSTPONEMENT IS NOT GRANTED, PLAN IS TO "WALK OUT  
EN MASSE." COURT CAN APPOINT NEW ATTORNEYS, BUT SUPPOSEDLY  
AGREEMENT HAS BEEN REACHED AMONG LEGAL COMMUNITY THAT ANYONE APPOINTE  
D  
WILL DEMAND SIMILAR DEAL AT SUBSEQUENT HEARING. DEFENSE  
EXPECTS THAT "REASONABKLE" POSTPONEMENT WILL BE  
GRANTED, IN PART BECAUSE OF OPENLY DISCUSSED WALKOUT THREAT.

4. ABOVE DATES AND STRATEGY HAVE ALSO BEEN CONFIRMED  
FROM SEVERAL FOREIGN JOURNALISTS WHO HAVE BEEN IN TOUCH  
WITH OTHER DEFENSE ATTORNEYS AS WELL AS WITH GOVERNMENT  
SPOKESMEN. NO OFFICIAL ANNOUNCEMENT OF FINAL DATE HAS  
BEEN MADE, BUT REPORTS OF RUMORS HAVE APPEARED IN FOREIGN  
AND DOMESTIC PAPERS. ONE RUMOR THAT HAS NOT BEEN CONFIRMED  
IS THAT GOVERNMENT PLANS TO PASS DECREE LAW (AS NATIONAL  
ASSEMBLY IS NOT IN SESSION) RESTRICTING ATTORNEYS ALLOWED TO  
PLEAD BEFORE STATE SECURITY COURT TO THOSE WHO HAVE BEEN  
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PAGE 03 TUNIS 06384 121248Z

ADMITTED BEFORE COURT OF CASSATION. EFFECT SUPPOSEDLY WOULD  
BE TO EXCLUDE YOUNGER AND MORE AGGRESSIVE DEFENDERS. IF THIS  
IS PRESSED, LEGAL COMMUNITY REPORTEDLY IS CONSIDERING COUNTERING  
WITH ANOTHER WALKOUT THREAT.

5. PRINCIPAL CHARGES ARE SIMILAR TO THOSE MADE IN SOUSSE TRIAL,  
I.E. ARTICLES 72, 74 AND 79 OF 1913 PENAL CODE. THEY INQLUDE  
CHARGES OF ATTEMPTING TO CHANGE FORM OF ROVERNMENT, COLLECTION  
OF ARMS AND INCITING POPULATION TO TAKE UP ARMS. COMPLETE  
LIST OF CHARGES IS NOT YET AVAILABLE TO EMBASSY BUT WILL BE  
SUBMITTED AS SOON AS OBTAINABLE.

6. WE CONTINUE TO HEAR REPORTS FROM VARIOUS SOURCES THAT IT  
IS PRESIDENT HIMSELF WHO IS NOW DEMANDING QUICK TRIAL AND  
TOUGH SENTENCES AFTER EMBARRASSING EXPERIENCES OF SOUSSE TRIAL  
AND COURT OF CASSATION DESISION.  
HE COULD GET BOTH, AS WE UNDERSTAND PRESIDENT OF SECURITY  
COURT, AYAR, HAS NOW STEPPED DOWN ON GROUNDS OF ILL HEALTH,  
IN FAVOR OF COURT'S VICE PRESIDENT, WHO IS KNOWN FOR  
RENDERNG SPEEDY JUDGMENTS IN FAVOR OF PROSECUTION.

7. ALL OF THIS HASE BEEN FURTHER MUDDLED BY NEW CONCERNS

OVER BOURGUIBA'S HEALTH. REPORTEDLY, HE HIT HIS HEAD  
IN BATHROOM FALL FRIDAY MORNING DUE TO ATTACK OF VERTIGO.  
HE WAS BROUGHT TO TUPIS IN AFTERNOON BY SPECIAL PLANE  
FOR X-RAYS AND IS NOW INSTALLED IN PRESIDENT'S PALACE IN  
CARTHAGE. PRESS CLAIMED TRIP WAS FOR ROUTINE MEDICAL  
CHECKUP AND OUT UNDERSTANDING IS THAT INJURIES WERE NOT  
SERIOUS. KING

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## Message Attributes

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**Type:** TE  
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